

REMARKS

The Office Action of July 28, 2003, has been received and carefully studied. In response thereto, applicant has amended the claims to clarify the invention and the scope of the invention.

The present invention describes and claims a non-slip, non-adhesive shelf liner sheet. Its lower surface is designed to grip a shelf or other surface on which the liner sheet is placed and yet be movable as necessary.

The claims are rejected over Alderfer 3,223,568, alone or in combination with Hartzell, et al. 3,713,925. Both of these references were discussed in the response to the prior Office Action.

Alderfer 3,223,568 teaches a method of making a laminate in which a vinyl film is continuously bonded to a large cylinder of foam, which is rotated and peeled by a moving blade. The blade slices a thin layer off the surface of the foam.

Hartzell, et al. 3,713,925 discloses that it is known in the prior art to form an insulating panel or the like in which a foam layer is used as an interlayer between a material such as plastic or metal, and a layer of another material, presumably an insulating material in the case of an insulating panel. Hartzell also describes an asbestos product in which polyurethane, vinyl chloride, polystyrene, epoxy, phenolic urea-formaldehyde, silicone, acrylic cellulose acetate, cellular rubber latexes, rubber, acrylonitrile-butadiene-styrene polyester, polycarbonate, polyamide, polyethylene, and the like foams are formed in contact with an asbestos sheet material. The asbestos sheet material is not a plastic film but rather a non-woven or woven asbestos sheet. Hartzell teaches nothing concerning a non-slip, non-adhesive curl resistant sheet material wherein a foam adheres directly to a thin polyolefin

film or in which a surface of a plastic coated foam is exposed for contacting a shelf or other household surface.

Claim Rejections

Claims 1, 5, 6, 8-10, 15, and 32

Claims 1, 2, 8, 9, and 15 are rejected as anticipated by, or in the alternative, as obvious over Adelfer '568. Specifically, in the Office Action, it was acknowledged that Alderfer does not teach casting a foam film layer of uniform thickness on to a film. The Examiner has placed the burden on the applicants to show unobvious differences between the claimed product and the prior art product.

Claim 1 now recites a resilient, flexible, non-slip, non-adhesive curl resistant sheet material for covering household surfaces. The sheet material includes a thin, continuous, polyolefin top film, and a continuous foam layer of uniform thickness cast on the film, adjacent to the film and adhering to the film. The foam layer defines a bottom surface for contacting the household surface.

Support for the amendments to claim 1 are to be found in the specification at page 6, lines 5-9 and Figures 1 and 2.

Applicants submit that the product produced by a casting process, as presently claimed, is substantially different from a sectioned foam material. As discussed in the accompanying declaration of Patrice McCune, when a foam material, such as the foamed plastic material of Alderfer, is sectioned with a blade, the natural pores in the foam are also sectioned, leaving an uneven, exposed, pocked surface. This uneven surface is very different from a foam material which is cast on to a

film. In the cast material, substantially all of the pores are covered with a skin of the styrene butadiene copolymer, or other material from which the foam is formed. As a result, the surface is of uniform thickness and has non slip characteristics which render it particularly suited to use as a shelf liner. To provide a good grip to the substantially smooth surface of a shelf, a foam with a smooth surface, with few irregularities, has been found to be particularly effective. The irregular surface of Alderfer's foam would provide a much smaller area of contact with the shelf or other household surface than a cast foam and thus limited, if any gripping force. Moreover, a section foam tends to fragment when moved. Additionally, the cast material of the presently claimed invention is curl resistant, which cannot be expected of the foam material of Alderfer, which is cut from a cylinder.

It is therefore submitted that claim 1 and the claims which depend upon claim 1 (claims 5, 6, 8-10, 15, and 32) are therefore not anticipated or obvious and allowable over Alderfer.

Claims 5, 6, and 10 were rejected over Alderfer '568 in view of Hartzell, et al. '925. Hartzell, however does not supply the deficiencies of the primary reference. Hartzell's asbestos laminated foam is designed for use in sound proofing and decorative padding. Hartzell makes no suggestion of casting a foam onto a polyolefin top film. Rather, Hartzell discloses placing a foamable composition in contact with an asbestos sheet and allowing a foam to form.

Nor does Hartzell suggest providing an exposed surface on the foam. Hartzell discloses that it is known in the art to provide a foam backed material in which the foam layer is an interlayer between a plastic, metal, or metal foil, applied to one side, with its other surface being backed by

another material. There is thus no surface of the foam for contacting a household surface.

Claims 2, and 11-13

Claim 2 was rejected as being anticipated by or unpatentable over Alderfer. Claim 11 is rejected as unpatentable over Adelfer '568.

Claim 2 has been placed in independent form and now recites a resilient, flexible, non-slip, non-adhesive curl resistant sheet material for covering household surfaces. The sheet material includes a thin, continuous, plastic top film impregnated with polycarbonate to provide skin characteristics on the surface of the film to which a foam layer adheres, thereby enhancing adhesion of the foam layer.

Amendments to claim 2 are supported by the specification at page 9, lines 3-12. Alderfer makes no suggestion of impregnating a top film with polycarbonate to enhance adhesion of a foam layer. Alderfer discloses exposing one side of a vinyl film to a flame to cause the flame exposed side to soften and become thermally adhesive and then bringing the softened side into contact with a urethane foam. Alderfer also suggests using adhesive securing techniques. There is no suggestion that either of these techniques could be improved by surface treatment of the vinyl film, or how this could be achieved.

It is therefore submitted that claim 2 and the claims which depend upon claim 2 (claims 11-13) are therefore not anticipated or obvious and are allowable over Alderfer.

Claims 12-13 were further rejected over Hartzell, et al. Hartzell makes no suggestion of impregnation of a top film with polycarbonate.

Claims 14 and 33-34

Claim 14 has been placed in independent form and now recites a resilient, flexible, non-adhesive curl resistant sheet material including a thin, continuous, plastic top film about 3 mils thick and a continuous foam layer about 30-40 mils thick adjacent to the film and adhering to the film. The foam defines a non-slip bottom surface for contacting the household surface.

Claim 14 was rejected as obvious over Alderfer '568 in view of Hartzell, et al. '925. Amendments to claim 14 are supported by the specification at page 6, lines 5-9, and Figures 1 and 2.

Alderfer's top film is 10 mils in thickness, substantially greater than the about 3 mils currently claimed. The foam of Adelfer has a thickness of one quarter to one half an inch (250 to 500 mils). Although Alderfer suggests the foam may be cut to a lesser thickness, in such circumstances, the film must provide critical rigidity along the line of severance of the foam (see col. 4, lines 10-19). Accordingly, Alderfer teaches against having both a thin film and a thin layer of foam.

Hartzell discloses foam laminates in which a foam layer is intermediate a plastic, metal, or coating material and another material. There is no suggestion of placing the foam layer in contact with a household surface. Nor is the thickness of the plastic thickness discussed. Hartzell suggests placing a foam of 1/32 inches to 4 inches in thickness on asbestos.

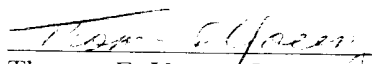
It is submitted that claims 14 and claims 33-34 are allowable over the references cited.

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Amdt. dated September 22, 2003
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Should the Examiner have questions or believe that further amendments to the claims are required, it is requested that the Examiner call applicant's attorney at the below stated number.

Respectfully submitted,

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